

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 5, 25, 26, and 30-35 are pending in the present application. Claims 2-4 and 27-29 have been canceled without prejudice or disclaimer. Claims 1, 26 and 31 are amended to incorporate the subject matter of canceled claims. New Claims 33-35 are added and present the subject matter of amended Claims 26 and 28 in independent format and in different statutory classes. No new matter was added.

By way of summary, the Official Action presents the following issues: Claim 32 is objected to based upon informalities; Claims 1-5, 26-29 and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sezan et al. (U.S. Patent 5,956,458, hereinafter Sezan) in view of Dimitrova et al. (U.S. Patent 5,870,754, hereinafter Dimitrova); and Claims 25 and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sezan in view of Dimitrova and Wilkinson (Linking Essence and Metadata in a System Environment).

CLAIM OBJECTIONS

With respect to the objection to Claim 30, Applicants respectfully direct the Examiner's attention to the corrective filing of November 2005 which resubmitted the claim set of May 16, 2005 to address the redundant numbering of Claim 30 to increase the claim count to 32 claims.

Accordingly, Applicants respectfully request that the objection to Claim 30 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-5, 26-29, and 30 under 35 U.S.C. § 103 as being unpatentable over Sezan in view of Dimitrova. The Official Action contends that Sezan describes all the Applicants' claimed features with the exception of the automatic generation of metadata wherein the metadata includes a unique ID code for each of the parts of the material which uniquely identifies the material being audio and video. However, the Official Action cites Dimitrova as describing this more detailed aspect of the Applicants' claimed advancement and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

By way of background, audio/video material is typically recorded to a carrier, such as a tape or disk. Upon making such recording, it is essential to identify the data carrier in addition to each portion of the content provided thereto. Typically, such identification is provided by affixing an adhesive label to the carrier. Likewise, identification data may be recorded on the carrier along with the content sequence. Yet, such metadata is difficult to incorporate into recording formats; and, such information is difficult to implement in an automated fashion while capturing the content.¹

In light of at least the above deficiencies in the art, the present advancements are provided. With the above objects in mind, a brief comparison of the claimed advancement, in view of the cited references is believed to be in order.

Applicants' amended Claim 1 recites, *inter alia*, an audio and/or video generation apparatus to generate audio and/or video material representative of an audio and/or visual source, including:

... a metadata generation processor which is arranged in operation to receive said audio and/or video signals, and to

¹ Application at pages 1-2.

generate metadata automatically in response to said audio and/or video signals, wherein said metadata includes time code data representative of in and out points of one or more parts of the audio/video material, and said metadata includes a unique identification code for each of the parts of the audio and/or video material, each unique identification code uniquely identifying one of the parts of audio and/or video material, said metadata generation processor is operable to generate an identifier of the recording media on which the audio and/or video material is recorded, and to store said metadata and said identifier of the recording media in a data store for communication separately from the recording media, and

said metadata generated automatically by said metadata generation processor is first metadata, and said audio and/or video generation apparatus includes an interface having a predetermined format for connecting said metadata generation data processor to a portable data processor, the portable data processor providing second metadata generated in response to user commands to said metadata generation processor, said recording means being arranged to record said second metadata with said first metadata and said audio and/or video signals on said recording media. (emphasis added)

Sezan describes a system for determining representative frames of video captured by a video camera. To this end, a digital video cassette recorder is provided for receiving a camcorder (12). The DVCR and the camcorder exchange content in the form of video, audio and other data which is stored in multiple tracks of the tape. The tracks of the tape may include auxiliary audio (AAUX) sectors (47) and video auxiliary sectors (VAUX) (49) as well as sub-code sectors (50).² Additionally, the video tape cassette (16) may employ a memory-in-cassette (MIC). These optional areas, may be used as a storage location for signals, or reference marks, which are placed on the video tape (34) or MIC (18) to mark representative frames of video.

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, a metadata generation processor generates an identifier of the recording medium on which the audio/video material is recorded. This metadata and identifier of the recording medium are

² Sezan at Figure 2; column 2, lines 37-62.

stored in a data store for communication separately from the recording media as recited in amended Claim 1. As can be appreciated, Sezan merely describes a MIC arrangement in which metadata comprising a representative frame of audio/video material is recorded on a recording medium and stored along with location data identifying the position on the recording medium where that frame is found. Thus, there is no disclosure or suggestion in Sezan of an identifier of the recording medium. Indeed, as the MIC of Sezan is always associated with a cassette there is no requirement to store an identifier of the cassette. Likewise, as the metadata is stored within the MIC of the cassette or directly to the video medium, there is no disclosure of separately storing an identifier with the metadata in a data store for communications separately from the recording medium as recited in amended Claim 1.

Moreover, amended Claim 1 recites that second metadata is received from a portable data processor in response to user commands. This second metadata is recorded with the first metadata on the recording medium. Such second metadata may include comments and/or information for facilitating the production of an audio/video program while the automatic generation of first metadata provides a facility for recording, for example, a UMID, a time of generation, time codes, etc. which improve the identification and navigation of the audio/video material. As Dimitrova describes only the archival and signature extraction of video clip signatures, it does not remedy the deficiency discussed above.³ Accordingly, Applicants respectfully request that the rejection of Claims 1, 5, 26, 30 and 31 under 35 U.S.C. § 103 be withdrawn.

The Official Action has rejected Claims 25 and 30 under 35 U.S.C. § 103 as being unpatentable over Sezan and Dimitrova in further view of Wilkinson. The Official Action states that Sezan and Dimitrova describe all the features of the Applicants' claims with the

³ See Dimitrova at Figure 1-2.

exception a UMID. However, the Official Action cites Wilkinson as describing its more detailed aspect of the Applicants' claimed advancement and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

As noted above, Sezan and Dimitrova do not disclose all of the elements of the Applicants' claims for which they have been asserted. Likewise, as Wilkinson does not remedy the deficiency discussed above, a *prima facie* case of obviousness has not been presented. Accordingly, Applicants respectfully request that the rejection of Claims 25 and 31 under 35 U.S.C. § 103 be withdrawn.

NEW CLAIMS

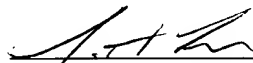
New Claims 33-35 recite substantially similar limitations to that discussed above and are, therefore, believed to be likewise allowable over the art of record at least for these reasons.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1, 5, 25, 26 and 30-35, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073
Scott A. McKeown
Registration No. 42,866
Attorneys of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
BDL:SAM\rl\ys

I:\ATTY\SAM\PROSECUTION WORK\282628\282628US-AM.DOC